HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V. SEETHAPATHY

WRIT PETITION NO. 14929 OF 2006

BETWEEN

M/s Radhika Silk Mills (P) Ltd.,
Hyderabad.

.....

Petitioner

And

Andhra Pradesh Pollution Control Board,
Rep. by its Member Secretary,
Hyderabad.

.....Respondent

::O R D E R ::

Counsel for the Petitioner : Shri P. Gangaiah Naidu

Counsel for Respondent : Shri S.V.Bhatt

Dated: 20.07.2006

Per G.S. SINGHVI, CJ

In this petition filed under Article 226 of the Constitution of

India, the petitioner has made the following substantive prayers:

> " Under the circumstances, it is therefore prayed that this Hon'ble Court may be pleased to direct the respondent to forthwith consider the request of the petitioner industry M/s Radhika Silks Mills (P) Ltd. situate at S.No.220/4 of Pedashapur Village, Shamshabad Mandal, R.R. District to run along with similarly situated industries of the locality by keeping in view of the status report dated 23.03.2006 of Environmental Engineer and orders of appellate authority dated 25.03.2006 and 03.06.2006, pending disposal of the above writ petition and pass such other order or orders as this Hon'ble Court may deem fit and proper.
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> For the reasons stated above, it is therefore prayed that this Hon'ble Court may be pleased to issue a direction or order, more particularly one in the nature of writ of Mandamus, declaring the proceedings of the respondent Order No.C.A.Nos.368/373/PCB/TF-HYD/2005-941 dated 17.08.2005 and letter No.C.A.Nos.368-373/PCB/TF-HYD/2005-195 dated 28.12.2005 and Order No.C.A.Nos.368-373/PCB/TF-HYD/2005-692 dated 29.06.2006 issued by the respondent Board as illegal, discriminatory, arbitrary and contrary to the orders of this Hon'ble Court made in WP.No.18847/2005 dated 13.09.2005 and orders of the Appellate Authority passed in Appeal No.15/2006 dated 25.03.2006 and 03.06.2006 and further direct the respondent board to allow the petitioner to run M/s Radhika Silks Mills (P) Ltd on par with the other similarly situated industries, till all the industries are shifted to some other place and since the petitioner industry complied with all the directions of the Board and pass such other order or orders as this Hon'ble Court may deem fit and proper."

We have heard Shri Gangaiah Naidu, Senior Advocate and Shri S.V.Bhatt, standing counsel for Andhra Pradesh Pollution Control Board (for short 'the Board'). In our opinion, the writ petition does not deserve to be entertained because the petitioner has got an effective alternative remedy of appeal under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (for short 'the Water Act') and Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (for short 'the Air Act') and there is no extraordinary reason from making a departure from the settled law that in exercise of power under Article 226 of the Constitution, this Court will not entertain a petition if an effective alternative remedy is available to the petitioner. The Water Act and the Air Act are complete code unto themselves. Both the Acts prescribe the authority competent to grant consent for establishing and operating the industry, lay down the detailed procedure for grant of consent, provide for checking the water as well as air pollution, empower the Board to pass order for closure of the industry and issue necessary consequential direction. The Acts also provide for remedy of appeal against the orders passed by the Board including the order for closure. The appeal filed under Section 28 of the Water Act or Section 31 of the Air Act is required to be decided by an Appellate Authority, which consists of experts. Thus, there is no escape from the conclusion that the remedy of appeal available to the petitioner is an effective alternative remedy.

With the above observations, the writ petition is dismissed leaving the petitioner free to avail the remedy of appeal. We also direct that if the petitioner files appeal within a period of thirty days from today, the same shall be entertained, heard and decided by

the Appellate Authority on merits. We also give liberty to the petitioner to make a request before the Appellate Authority to give out of turn hearing.

G.S. SINGHVI, CJ

G.V. SEETHAPATHY, J

20.07.2006
svs/ksld